

SAO

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Attorneys for The Whiting-Turner Contracting Company;
Fidelity and Deposit Company of Maryland; Zurich
American Insurance Company; and Travelers Casualty
and Surety Company of America

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MMC CONTRACTORS WEST, INC.
formerly known as Pahor Mechanical
Contractors, Inc., a Nevada corporation,

Plaintiff,

vs.

THE WHITING-TURNER CONTRACTING
COMPANY, a Maryland Corporation;
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation;
ZURICH AMERICAN INSURANCE
COMPANY, a New York corporation;
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation; DOES I through XX; ROE
CORPORATIONS I through XX, and BOE
BONDING COMPANIES inclusive,

Defendants.

Case No. 2:12-cv-02131-APG-NJK

**STIPULATION AND ORDER TO
DISMISSAL PLAINTIFF'S CLAIMS
WITH PREJUDICE AND RELEASE OF
\$149,260 CASH DEPOSIT**

IT IS STIPULATED between the parties that Plaintiff's claims against Defendants are dismissed with prejudice. Each party will bear their own attorneys' fees and costs. The parties request that the \$149,260 deposited with the Court, on May 29, 2013 be released and made payable to: MMC Contractors West, Inc., 5080 Cameron, Las Vegas, Nevada 89118 and

1 delivered to Daniel Coppinger, President. See Whiting-Turner Contracting Company's Notice of
2 Cash Deposit (Dkt. 35) attached here as Exhibit A.

3 LIONEL SAWYER & COLLINS

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10 *Attorneys for Defendants*
11 *Attorneys for The Whiting-Turner*
12 *Contracting Company;*
13 *Fidelity and Deposit Company of*
14 *Maryland; Zurich*
American Insurance Company; and
Travelers Casualty
and Surety Company of America

By: Harold W. Mitts, Jr.
Harold W. Mitts, Jr.
Nevada Bar No. 8753
General Counsel
MMC Contractors West, Inc.
formerly known as Pahor Mechanical
Contractors, Inc.
5080 South Cameron
Las Vegas, Nevada 89118

Attorney for Plaintiff
MMC CONTRACTORS WEST, INC.
formerly known as Pahor Mechanical
Contractors, Inc., a Nevada corporation,

15 IT IS SO ORDERED on this 26 day of September, 2013.

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18 UNITED STATES DISTRICT JUDGE
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EXHIBIT #A

Todd M. Touton, Esq.
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Attorneys for The Whiting-Turner Contracting Company

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MMC CONTRACTORS WEST, INC.
formerly known as Pahor Mechanical
Contractors, Inc., a Nevada corporation,

Plaintiff,

vs.

THE WHITING-TURNER CONTRACTING
COMPANY, a Maryland Corporation;
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation;
ZURICH AMERICAN INSURANCE
COMPANY, a New York corporation;
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation; DOES I through XX; ROE
CORPORATIONS I through XX, and BOE
BONDING COMPANIES inclusive,

Defendants.

Case No. 2:12-cv-02131 -APG-NJK

**THE WHITING-TURNER
CONTRACTING COMPANY'S NOTICE
OF CASH DEPOSIT PURSUANT TO
MARCH 15, 2013, COURT ORDER**

Notice is hereby given that The Whiting-Turner Contracting Company has tendered a

\$149,260 cash deposit to the Court pursuant to its March 15, 2013, Order. A true and correct

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1 copy of the deposit receipt is attached here as Exhibit A.

2 LIONEL SAWYER & COLLINS

3
4 By: Kevin Hejmanowski
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7 Kevin Hejmanowski
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9 1700 Bank of America Plaza
10 300 South Fourth Street
11 Las Vegas, Nevada 89101

12 *Attorneys for The Whiting-Turner*
13 *Contracting Company*
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of
LIONEL SAWYER & COLLINS and that on April 3rd 2013, I caused documents entitled **THE
WHITING-TURNER CONTRACTING COMPANY'S NOTICE OF CASH DEPOSIT
PURSUANT TO MARCH 15, 2013, COURT ORDER** be served by depositing same for
mailing in the United States Mail, in a sealed envelope addressed to:

Harold W. Mitts
General Counsel
MMC Contractors West, Inc. f/k/a
Pahor Mechanical Contractors, Inc.
5080 South Cameron
Las Vegas, Nevada 89118

Harold W. Mitts
General Counsel
c/o MMC Corp
10955 Lowell, Suite 350
Overland Park, Kansas 66210

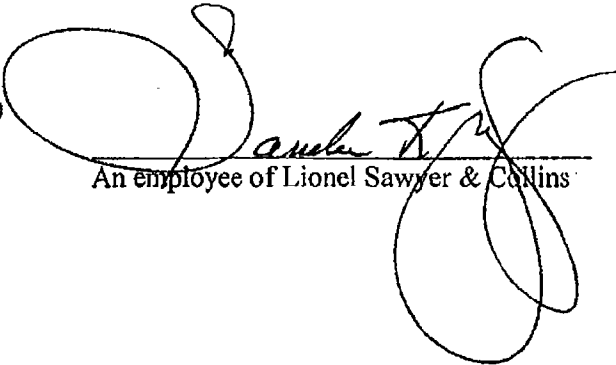

An employee of Lionel Sawyer & Collins

EXHIBIT A

Case 2:12-cv-02131-APG-NJK Document 35 Filed 04/03/13 Page 5 of 5

Court Name: District of Nevada
Division: 2
Receipt Number: NVLAS018008
Cashier ID: acaytuer
Transaction Date: 03/29/2013
Payer Name: The Whiting-Turner Contracting

COMM REG MONEY MARKET
For: The Whiting-Turner Contracting
Case/Party: D-NX-2-12-CV-002131-001
Amount: \$149,260.00

CHECK/MONEY ORDER
Remitter: The Whiting-Turner Contracting
Check/Money Order Num: 7458
Amt Tendered: \$149,260.00

Total Due: \$149,260.00
Total Tendered: \$149,260.00
Change Amt: \$0.00

"Only when bank clears the check, money order, or verifies credit of funds is the fee or debt officially paid or discharged. A \$53 fee will be charged for a returned check."